

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

SARATOU G. STEWART,

Petitioner,

v.

CIVIL ACTION NO. 1:07-00231

ALBERTO R. GONZALES,  
United States Attorney General,

and

DEBORAH HICKEY, Warden,  
FPC Alderson,

Respondents.

MEMORANDUM OPINION AND ORDER

Pending before the court is petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241. (Doc. No. 1.) By Standing Order entered August 1, 2006, and filed in this case on April 11, 2007, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation ("PF & R") on February 20, 2009, recommending that this court dismiss the Petition under 28 U.S.C. § 2241, and remove this matter from the court's active docket. (Doc. No. 11.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's PF & R. Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that party's right to a *de novo* review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). Neither party has filed objections to the PF & R, and the time period for doing so has now elapsed.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the court hereby

(1) **CONFIRMS AND ACCEPTS** the findings and conclusions contained therein (Doc. No. 11); (2) **GRANTS** respondents' Motion to Dismiss (Doc. No. 10); (3) **DISMISSES** the Petition (Doc. No. 1); and (4) **DIRECTS** the Clerk to remove this action from the court's active docket.

The Clerk is directed to forward copies of this Memorandum Opinion and Order to petitioner, pro se, and to all counsel of record.

It is **SO ORDERED** this 10th day of March, 2009.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge